

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEREMY LEE PEPPER,

Defendant.

CR 20–16–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 27.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Mr. Pepper is charged with one count of possession of a stolen firearm, in violation of 18 U.S.C. § 922(j) (Count I), one count of possession of firearm by prohibited person, in violation of 18 U.S.C. § 922(g)(1) (Count II), and one count of unlawful taking of firearm from licensed firearm dealer, in violation of 18 U.S.C. § 922(u) (Count III). (Doc. 1.) Mr. Pepper has moved to change his plea

from not guilty to guilty as to Count I, with such motion having been referred to Judge DeSoto. (Docs. 16; 18.)

Judge DeSoto recommends that this Court accept Mr. Pepper's guilty plea as to Count I after he appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a guilty plea as to one count of possession of a stolen firearm, in violation of 18 U.S.C. § 922(j). In exchange for Mr. Pepper's plea, the United States has agreed to dismiss Counts II and III of the Indictment. (Doc. 17 at 2.) The Court finds no clear error in Judge DeSoto's Findings and Recommendation. As is the Court's practice, any decision regarding acceptance of the plea agreement and dismissal of Counts II and III will be deferred until sentencing.

Accordingly, IT IS ORDERED that Mr. Pepper's motion to change plea (Doc. 16) is GRANTED.

IT IS FURTHER ORDERED that Mr. Pepper is adjudged guilty as charged in Count I of the Indictment.

DATED this 20th day of November, 2020.



Dana L. Christensen, District Judge
United States District Court